IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.MC.No. 1888 of 2007()

(C.M.P. NO. 9361/2006 in C.R. 345/2006 of JUDICIAL FIRST CLASS MAGISTRATE, IRINJALAKUDA)

PETITIONER: PETITIONER

SHIBU.S/O.MADHAVAN,MEENUMKOTTUKONAM
VEETTIL,VEMBAYAM,NEDUMANGAD TALUK,TVM

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI. AYYOOBU KHAN

RESPONDENTS: RESPONDENT

STATE OF KERALA REP.BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1888 of 2007

Dated this the 19th day of June, 2007

ORDER

Petitioner, who is in possession of a Ford Ikon Car bearing Reg.No.K.L.17-7879 and claims to be its registered owner, is now in possession of the vehicle as per an order passed by the Magistrate, which has been upheld/modified as per order dated 21.02.2007 in Crl.M.C.No.326/2007 of this Court. The petitioner is aggrieved by the condition No.4 imposed on the petitioner. The said condition is extracted below:

> "4. Petitioners shall not use the vehicle in any public place without the permission of the Court, except for the purpose of taking those vehicles for safe custody from the police station, and petitioners shall file affidavit undertaking to that effect."

That condition was imposed as per order of the Magistrate dated 03.01.2007 and confirmed by this Court in the order dated 21.02.2007. A period of exceeding 5 months has now elapsed. The short prayer of the petitioner is that the said condition No.4 which obliges the petitioner not to use the vehicle in any public place may be deleted.

2. So far, no specific or acceptable material has been placed before the Court to show that this vehicle is a stolen vehicle, even though that is the theory of the prosecution. From whose possession

it was stolen has not been identified so far. I am, in these circumstances, satisfied that the said condition No.4 can now be deleted. It can be clarified that the petitioner who is not an accused and claims to be a bona fide purchaser can use the vehicle only in accordance with the provisions of the Motor Vehicles Act and Rules.

3. Accordingly, this Crl.M.C is, allowed. The said condition No.4 is hereby deleted with the rider that the vehicle must be used in strict compliance with the Motor Vehicles Act and Rules by the petitioner.

(R.BASANT, JUDGE)

rtr/-